

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JOHN J. CHANEY, )  
Plaintiff, )  
v. ) Case No. CIV-06-373-L  
JO ANNE B. BARNHART, )  
Commissioner, Social )  
Security Administration, )  
Defendant. )

**ORDER**

On December 20, 2006, Magistrate Judge Robert E. Bacharach entered his Report and Recommendation in this action brought by plaintiff for judicial review of the denial of benefits by the Social Security Administration ("SSA"). Based on a failure to consider the plaintiff's "borderline" age classification, the Magistrate Judge recommended that the court should reverse and remand for an award of supplemental security income beginning on June 7, 2005. The Magistrate Judge further recommended that the amount of the payments should be left to the SSA on remand.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limit allowed. Upon *de novo* review,

the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, the decision of the Commissioner is **REVERSED** and this matter is **REMANDED**; the SSA is directed to award supplemental security income to the plaintiff beginning on June 7, 2005. The amount of the payments is left to the SSA on remand, all in accordance with the December 20, 2006 Report and Recommendation of the Magistrate Judge.

It is so ordered this 12th day of January, 2007.

  
TIM LEONARD  
United States District Judge